

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

TOM J. FRYE,)	
)	
Plaintiff,)	4:08CV3114
)	
v.)	
)	
YMCA CAMP KITAKI and RUSS)	MEMORANDUM OPINION
KOOS, Program Director,)	
)	
Defendants.)	
)	

This matter is before the Court on its own motion. On August 14, 2008, the court entered a memorandum and order noting that a copy of the complaint in this matter had been filed as a motion for contempt in Case No. 4:98CV3105 (Filing No. [7](#)). Because the Court intended to address the merits of plaintiff's complaint through the motion for contempt, the Court stated that it would take no further action in this matter, pending the resolution of the motion for contempt. (*Id.*)

Over the course of the last year, the Court permitted extensive discovery and briefing, and held a hearing on the motion for contempt. On July 20, 2009, the Court entered a detailed memorandum opinion denying the merits of the motion for contempt, and by extension, the merits of plaintiff's complaint in this matter. (Case No. 4:98CV3105, Filing No. [81](#).)

Therefore, the Court adopts the July 20, 2009, memorandum opinion filed in Case No. 4:98CV3105, and for the same reasons set forth in that memorandum opinion, this matter will be dismissed. A

separate judgment will be entered in accordance with this memorandum opinion.

DATED this 10th day of August, 2009.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court